

## **REMARKS/ARGUMENTS**

This amendment responds to the Office Action dated September 3, 2008, in which the Examiner rejected claims 13-24 under 35 U.S.C. § 103.

As indicated above, claims 13 and 19 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claim 13 claims a recording/reproducing apparatus and claim 19 claims a recording/reproducing method. The apparatus and method simultaneously record video or audio into a recording medium and reproduce the video or audio from the recording medium. The method and apparatus comprise recording video or audio signals and identifying signals, indicating non-user generated content of the audio or video signals, into a recording medium. A title list of videos or audios recorded in the recording medium and not yet reproduced is generated using the identifying signals. One or more videos or audios in the list is reproduced. Upon user selection of an introduction playback mode, part of each video or audio in the title list is automatically sequentially reproduced.

By (a) simultaneously recording and reproducing video or audios, (b) generating a title list of videos or audios recorded and not yet reproduced and (c) automatically sequentially reproducing part of each video or audio in the title list of videos or audios not yet reproduced, as claimed in claims 13 and 19, the claimed invention provides a recording/reproducing apparatus or method, allows a user to easily find a program that has not yet been replayed. The prior art does not show, teach or suggest the invention as claimed in claims 13 and 19.

Claims 13-24 were rejected under 35 U.S.C. § 103 as being unpatentable over *Tsumagari, et al.* (U.S. Patent No. 6,480,669) in view of *Boreczky, et al.* (U.S. Patent No. 6,366,296).

*Tsumagari, et al.* appears to disclose an apparatus/method capable of real-time digital recording of video picture and a digital information medium used in the apparatus/method (column 1, lines 14-28).

Thus, nothing in *Tsumagari, et al.* shows, teaches or suggests a recording/reproducing apparatus or method which simultaneously records and reproduces video or audio from a recording medium as claimed in claims 13 and 19. Rather, *Tsumagari, et al.* only discloses a conventional device which records or reproduces but not simultaneously.

Furthermore, *Tsumagari, et al.* merely discloses a user executing an initial setting process to set a numerical value of a parameter which designates an entry point enter interval in units of minutes and an index parameter is preset to 1 (column 29, lines 26-30). Figure 34 explains an example of a text information input process (column 30, lines 20-22). The user inputs his/her desired text information or the like to an entry point or points he/she wants, and the input contents are entered in disk 10 (column 31, lines 5-7). Figure 37 exemplifies a case where a user inputs text at each entry point in place of thumbnails entered in Figure 36 (column 31, lines 33-35).

Thus, *Tsumagari, et al.* merely discloses a user selecting an entry point to enter text, thumbnails or information into a video. Nothing in *Tsumagari, et al.* shows, teaches or suggests generating a title list of videos or audios not yet reproduced as claimed in claims 13 and 19. Rather, *Tsumagari, et al.* merely discloses a user selecting entry point to input text or thumbnails or information.

Furthermore, since *Tsumagari, et al.* merely discloses a user selecting the entry points, nothing in *Tsumagari, et al.* shows, teach or suggests automatically sequentially reproducing part

of each video or audio in the title list of videos which have not yet been reproduced as claimed in claims 13 and 19. Rather, *Tsumagari, et al.* only discloses a user selecting entry points.

*Boreczky, et al.* appears to disclose using media content features to allow a user to more easily review a media file (column 1, lines 8-10). Features in a media file are automatically identified to generate and provide feature information to a user to aid the user in browsing the media file (column 2, lines 5-8). Media browsing functions, such as play, rewind, stop, fast-forward, index, automatic slide show and automatic preview, are controlled based on feature information (column 2, lines 13-16).

Thus, *Boreczky, et al.* merely discloses a media browsing system. Nothing in *Boreczky, et al.* shows, teaches or suggests a recording/reproducing apparatus and method which simultaneously records and reproduces video or audio from a recording medium as claimed in claims 13 and 19. Rather, *Boreczky, et al.* is directed to a media browsing system.

Furthermore, *Boreczky, et al.* merely discloses automatically identifying features in a media file to generate and provide feature information to a user. Nothing in *Boreczky, et al.* shows, teaches or suggests generating a title list of videos or audios not yet reproduced as claimed in claims 13 and 19. Rather, *Boreczky, et al.* merely discloses automatically identifying features in a media file to aid the user in browsing the media file.

Finally, *Boreczky, et al.* merely discloses media browsing functions include play, rewind, stop, fast-forward, index, automatic slide show and automatic preview are controlled based on feature information. Nothing in *Boreczky, et al.* shows, teaches or suggests automatically sequentially reproducing part of each video or audio in the title list of not yet reproduced videos or audios as claimed in claims 13 and 19. Rather, *Boreczky, et al.* is merely directed to controlling the browsing function based upon the feature information.

A combination of *Tsumagari, et al.* and *Boreczky, et al.* would not be possible since *Tsumagari, et al.* is merely directed to inserting entry points into video data while *Boreczky, et al.* is directed to identifying features in a media file to aid a user to browse the media file. Even assuming arguendo that the references could be combined, the combination would merely suggest to have the user select entry points as taught by *Tsumagari, et al.* and to control the media browsing function based upon the entry points (selected by the user) as taught by *Boreczky, et al.* Thus, nothing in the combination of the references shows, teaches or suggests (a) simultaneously recording and reproducing video or audio from a recording medium, (b) generating a title list of videos or audios not yet reproduced and (c) automatically sequentially reproducing part of each video or audio in the title list of videos or audios not yet reproduced as claimed in claims 13 and 19. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 13 and 19 under 35 U.S.C. § 103.

Claims 14-18 and 20-24 depend from claims 13 and 19 and recite additional features. Applicants respectfully submit that claims 14-18 and 20-24 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Tsumagari, et al.* and *Boreczky, et al.* at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 14-18 and 20-24 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicants respectfully request the Examiner enters this Amendment for purposes of appeal.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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